

REMARKS/ARGUMENTS

Claims 1 and 3 have been previously canceled. Claims 7, 8, 13, and 18 have been amended. Claim 20 has been added. Claims 2 and 4 – 20 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action, the Examiner objected to claim 13 because of being in improper multiple dependent form; objected to claim 18 because of informalities; rejected claims 7 – 9, 11 – 13, and 19 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,672,774 to Theuerkorn et al.; rejected claims 6 and 10 under 35 U.S.C. § 103 (a) as being unpatentable over Theuerkorn et al.; and allowed claims 2, 4, and 5.

By this Response and Amendment, claims 7, 8, 13, and 18 have been amended; and new claim 20 has been added. Support for the amendments in claims 7 and 8 can be found on pages 2 and 7 of the specification and in the figures, for example, and the amendments accentuate the configuration of the connector-plug part. Claim 13 has been amended to correct the improper multiple dependency. Claim 18 has been amended to add the new features as in independent claims 7 and 8 and to add reference number “(9)”. New claim 20 is similar to claims 8 and 19.

It is respectfully submitted that the above amendments do not introduce any new matter to this application within the meaning of 35 U.S.C. §132.

Objection to the Claims

The Examiner objected to claim 13 because of improper multiple dependency. In particular, the Examiner stated that claim 13 depends from claims 8 and 12.

The Examiner objected to claim 18 because of informalities. In particular, the Examiner stated that claims 7 and 18 are identical.

Response

By this Response and Amendment, Applicant has amended the claims to correct the informalities noted by the Examiner.

Claim 13 has been amended to correct its dependency and now depends on claim 12, which depends from claim 8.

Claim 18 has been amended to remove the feature regarding “plastic material” and to add features similar to amended claim 7. Also, new claim 20 has been added. Both claims 7 and 20 now differ from claim 18.

Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Claim Rejection Under 35 U.S.C. § 102(e)

The Examiner rejected claims 7 – 9, 11 – 13, and 19 as being anticipated by Theuerkorn et al.

Response

Applicant respectfully traverses the rejection.

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The

identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

It is respectfully submitted that Theuerkorn et al. fails to disclose each and every element as set forth in independent claims 7 and 8 (and 18), as amended.

Claim 7 recites a combination of features, *inter alia*, "...a sleeve-like pin holder (4) which consists of a plastic material, with a pin receiving section (5), in which the connector-plug pin is held,...wherein the cable receiving section (6) has at least one cladding part (8), which can be pivoted at a joint (9) by a certain pivoting angle between an open position and a closed position, the joint (9) connecting the pin receiving section (5) with the cable receiving section (6), and wherein the joint (9) is a film hinge." [Emphasis added].

Claim 8 recites a combination of features, *inter alia*, "...a sleeve-like pin holder (4) with a pin receiving section (5), in which the connector-plug pin is held, wherein the connector-plug pin (2) is mounted with limited displaceability in the pin receiving section (5) under axial spring prestressing, ...the cable receiving section (6) has at least one cladding part (8), which can be pivoted at a joint (9) by a certain pivoting angle between an open position and a closed position, the joint (9) connecting the pin receiving section (5) with the cable receiving section (6)." [Emphasis added].

Claim 18 recites a combination of features, *inter alia*, “...a sleeve-like pin holder (4) with a pin receiving section (5), in which the connector-plug pin is held,... the cable receiving section (6) has at least one cladding part (8), which can be pivoted at a joint (9) by a certain pivoting angle between an open position and a closed position, the joint (9) connecting the pin receiving section (5) with the cable receiving section (6), and wherein the joint (9) is a film hinge.” [Emphasis added].

In the case of the present exemplary embodiment, the joint (9) connects the pin receiving section (5) with the cable receiving section (6).

Theuerkorn et al. discloses a post-connectorization boot, connectorized fiber optic cable assembly and method. Extending member 742 (for attachment to a connector on one end and for receiving a portion of a fiber optic cable on another end, according to Figures 1 and 2), includes two parts 743 and 745 that are unitarily formed. Parts 743 and 745 may be connected by a living hinge 755 formed by a partial slit 757 formed in extending member 742. See column 7, lines 27 – 35.

From the present claims, it is clear that the joint (9) connects the pin receiving section (5) with the cable receiving section (6). However, in Theuerkorn et al., the hinge 755 is positioned laterally and is extending on the circumferential surface in the longitudinal direction. Further, the hinge 755 does not connect the collar/connecting portion 869 to the extending member 742. In contrast, in the present invention, the configuration is like a “crocodile” such that the pivot is at a “joint.”

Therefore, Applicant respectfully submits that independent claims 7, 8, and 18 define over Theuerkorn et al.

Moreover, as claims 9, 11 - 13, (and 14 – 17), and 19 depend from one of independent claims 8 and 18, these claims are believed to be allowable for at least similar reasons.

Therefore, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102 be withdrawn.

Claim Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claims 6 and 10 as being unpatentable over Theuerkorn et al.

Response

Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

Applicant traverses the rejection because all three prongs for a *prima facie* case of obviousness have not been established for the rejections. Specifically, the combination of references fails to teach or suggest all the claim limitations.

Theuerkorn et al. has been discussed above. The Examiner stated that the features of claims 6 and 10 are well known in the art.

Even *assuming arguendo* that a conical receptacle and a ribbed pin are “well-known” as asserted on page 4 of the Office Action, Applicant respectfully traverses the finding of Official Notice in this particular case since there is no technical line of reasoning that would support using such features in Theuerkorn et al. Therefore, Applicants respectfully request that the Examiner cite a

reference in the next Office Action that would support modifying the device in Theuerkorn et al. to incorporate these features.

Moreover, as claims 6 and 10 depend from independent claim 8, these claims are believed to be allowable for at least similar reasons.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103.

Allowable Claims

Claims 2, 4, and 5 have been allowed.

New Claim

New claim 20 is believed to be allowable for similar reasons regarding the other independent claims and additionally recites that the pin holder (4) is formed in one piece with the pin receiving section (5).

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

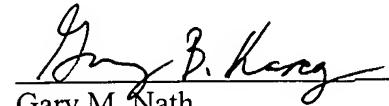
In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

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Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: November 28, 2006
NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314
Tel. (703) 548-6284
Fax. (703) 683-8396

By:


Gary M. Nath
Registration No. 26,965
Gregory B. Kang
Registration No. 45,273
Teresa M. Arroyo
Registration No. 50,015
Customer No. 20529